

SOUTHERN BOUNDARY OF MICHIGAN.

PROCEEDINGS

OF A

MEETING OF THE CITIZENS OF DETROIT,

*And memorial of inhabitants of Michigan, upon the subject of the
Southern Boundary thereof, &c. &c.*

APRIL 11, 1836.

Read, and laid upon the table.

DETROIT, March 22, 1836.

DEAR SIR: Enclosed we transmit to you a copy of the proceedings of the citizens of Detroit, at a public meeting, held on the 18th instant, on the subject of the bill now pending before the House, relative to the southern boundary of Michigan; together with a memorial, adopted by them at the same meeting.

It is the earnest desire of a vast majority of the citizens that this memorial should be presented as early as possible, and, if there be no impediment, before any further action is had on the bill. They *feel* that the rights of Michigan are in danger, and hope that this brief exposition of their grievances will meet with that candid consideration for which our national councils have ever been distinguished.

Very respectfully,

Your obedient servants,

J. M. HOWARD,

GEO. B. MARTIN,

Secretaries.

Hon. the SPEAKER

of the House Reps. U. S.

At a meeting of the citizens of Detroit, held pursuant to public notice, at the City Hall, on Friday, the 18th March, 1836, for the purpose of taking into consideration the bill pending before Congress, relative to the change of the southern boundary of Michigan, and her admission into the Union, Col. Andrew Mack was appointed president, honorable John S. Barry and Gen. John Stockton, vice-presidents, and J. M. Howard and George B. Martin, secretaries.

The object of the meeting having been explained, the bill referred to was read; after which the ordinance contained in the constitution adopted for Blair & Rives, printers.

the State of Michigan, embracing sundry propositions to Congress relative to donations of land for the purposes of education and internal improvement, was also read.

The meeting was then addressed by the honorable John Biddle and B. F. H. Witherell, on the subject of the ordinance. It was contended that the seventh article of the ordinance, in which authority is given to the "first Senators and Representatives elected to Congress," "to make or assent to such other propositions, or such variations of the propositions," contained in the ordinance, "as the interests of the State may require," was never intended by the convention as conferring any authority over subjects which were not specified in the ordinance itself; that to attempt to draw from it any power to change the boundaries, or to vary in any respect the other organic provisions of the constitution, was to adopt a forced construction, to do violence to the plain import of the instrument, and to the well understood purposes of the convention who framed it. It would, therefore, be utterly inconsistent with the intention of the convention, and the plainest provisions of the constitution, to exercise any such power, and consequently to accede to the conditions proposed in the bill.

The following resolutions were then proposed and unanimously adopted:

Resolved, As the sense of this meeting, that the people of Michigan have given to no man, or body of men, authority to alter, by bargain or compromise, the boundaries to which they have uniformly asserted a right, and which are set forth in the constitution recently adopted; nor is there the slightest ground for the assumption that they had delegated such power.

Resolved, That the act of Congress dismembering this Territory, as originally established by law, in favor of Indiana, manifests, in the opinion of this meeting, an extraordinary disregard of the dictates of a wise policy, in view of the insular position of Michigan, and her limited extent of surface admitting of cultivation; that a further curtailment of our territory, for the purpose of adding strength to the strong, would (aside from the question of right, which is by no means yielded,) be, for the same reason, inconsistent with that foresight and knowledge which we ought to look for in our national councils; and that the evils of such legislation are not to be remedied by attaching to Michigan any extent, however great, of the sterile region on the shores of Lake Superior, destined by soil and climate to remain forever a wilderness.

Resolved, That while the manner in which the rights and interests of Michigan have been treated has excited deep feelings of regret in the minds of her citizens, yet the sentiment of attachment to the Union remains unabated; and it is not doubted that any reasonable propositions which may be submitted by Congress, to the people, will be considered with a sincere desire to arrive at such conclusions as may remove any impediment to such a settlement of her political condition as may be satisfactory to all, even at some sacrifice of interest, and of what Michigan deems her rights.

Resolved, That a committee of nine be appointed by the President, to report to this meeting a memorial to Congress, on the subject of the above mentioned bill.

John Biddle, B. F. H. Witherell, E. P. Hastings, D. C. McKinstry, A. S. Porter, E. D. Ellis, H. Chipman, L. L. Morse, and Levi Cook, were appointed that committee.

The committee retired, and after a brief consultation, presented as their report the following memorial, which was unanimously accepted.

On motion of Major Biddle, it was then

Resolved, That a committee of twenty-five persons be appointed by the chair, to circulate, for signatures, the memorial adopted by this meeting, and to act as a committee of correspondence with our fellow-citizens, with a view to give a general circulation to the said memorial, and to transmit the same to Congress.

Resolved, That copies of the proceedings of this meeting, signed by the President, Vice-Presidents, and Secretaries, be transmitted to the President of the Senate and Speaker of the House of Representatives of the United States, and of Michigan; and also to the Michigan delegation to Congress.

Resolved. That the same proceedings be published in the newspapers printed in Detroit and elsewhere throughout the Territory.

The following persons were then appointed a committee to obtain signatures to the memorial:

John Biddle, B. F. H. Witherell, S. Conant, G. B. Martin, A. S. Porter, J. M. Howard, D. C. McKinstry, N. B. Carpenter, J. A. Welles, M. Wales, B. Woodworth, D. Smart, J. E. Schwarz, H. Howard, P. Desnoyers, D. Goodwin, E. Farnsworth, A. McArthur, N. T. Ludden, H. Griswold, M. J. Bacon, E. A. Brush, C. C. Trowbridge, and F. H. Stevens.

The meeting then adjourned.

ANDREW MACK, *President*.

J. M. HOWARD, }
GEO. B. MARTIN, } *Secretaries*.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the undersigned, citizens of Michigan, would respectfully represent:

That a design having been formed for severing from the southern border of Michigan, a large portion of its most valuable territory, and being advised that committees in Congress have solemnly recommended the adoption, by the National Government, of that measure, the people of Michigan, by their signatures hereunto annexed, feel themselves, therefore, now called upon to make known their utter dissent from a proposition so unlooked-for, and so destructive to the best interests of this frontier and comparatively feeble community.

The people of Michigan have been accustomed to consider the ordinance of 1787, as their unchangeable and fundamental law. They have been accustomed to look to its provisions as their sufficient guarantee, not only for the protection of all their personal and civil rights, but also, when viewed in connection with the subsequent action of Congress, as their ample pledge, for the preservation to them of that southern territorial boundary which its provisions indicate.

It would be of little avail to review here, the propositions contained in that justly celebrated state paper; and equally unnecessary to recapitulate the long list of Congressional acts, which have hitherto sustained the jurisdiction which Michigan, in every stage of its Government, has uniformly and successfully asserted. But it is fit that we now declare, that the people of Michigan have ever seen, in the early and uniform action of Con-

gress hitherto, conclusive evidence of the determination of that body, that there should be constituted, according to the articles of compact which that ordinance contains, more than three States within the limits of the old Northwestern Territory; and consequently they have ever seen in these acts, evidence, in their minds, equally conclusive, that the northern boundary of the three southern States, became, from the time of that election made by Congress, unalterably established by the line indicated by those articles of compact; and more especially, as between this people and that of Ohio, before the formation even of the Territory of Michigan, by the very act which constituted the State of Ohio, the people of Michigan, have at all times and universally considered *all* questions touching that boundary, as settled, and forever at an end.

It was in the full confidence that when, in the rapid progress of events, Michigan should be admitted into the Union as a free and independent State, Miami bay, its only natural harbor on Lake Erie, would be comprehended within its limits, that the great mass of her present population elected to establish here their homes. It was in the fullest confidence, it was with entire conviction, that the faith of this great nation was *pledged* to preserve to us, at least as regards Ohio, that southern barrier and the benefit of that great estuary, the Maumee bay, that emigrants from the free and independent States of the Union, consented to cast their lot here among us. Must they now be disappointed in this their firm hope? and that too, because a great State, the apparent mistress of the west, has demanded the sacrifice!

It is with emotions of deep regret that we now, for the first time, feel constrained to look forward to such a contingency, as a thing possible! Small, indeed, and inadequate would have been the motive for this declaration of their sentiments, on this distressing topic, had it not been that in a bill purporting to have been reported by a committee of the House of Representatives, an implied invitation to the Legislature of Michigan, is perceived to express its assent and approval of the alteration of the boundaries of Michigan, proposed in that bill, the relinquishment of the whole of that country which it proposes to take from us.

But the Legislature can have no power to consent to such a dismemberment, or to change any fundamental provision of that constitution under which they are elected. If they can recede from the boundary as fixed by the constitution on the one side, and extend it on the other, they may, on the same principle, transfer the whole State with its constitution, to the country entirely northwest of Lake Michigan. Whose representatives would they then be? and who would have formed for themselves that constitution which would then constitute the fundamental law of the inhabitants; if there be any, on the sterile and rocky shores of Lake Superior?

It is in vain to refer to the ordinance which was passed by the convention of Michigan, after that body had formed the constitution which prescribes the powers of the legislature. That ordinance is in nowise conversant with any of the organic provisions of the constitution itself. On the contrary, it supposes the previous ratification of that paramount law, and the admission of the State as constitutional, by that instrument, into the Union. It then proposes sundry conventions and articles of compact with reference to certain unsettled lands, &c. which may be within its limits. Can it be pretended then, that there exists in this or in any succeeding Legislature, power to subvert at pleasure the basis of its own political

existence? Upon a full consideration of the premises, your memorialists are of the opinion that they have a right to the preservation of the southern boundary of Michigan, as the same was established in 1805, and that if it were now competent for Congress to substitute a more northern boundary in lieu of that indicated by the ordinance of 1787, yet no accession of territory to the north can compensate the people of Michigan for the loss of the very valuable section of country along their southern border; and a reasonable regard for the interests of a new and rising State, as well as principles of general and national expediency, forbid, in the opinion of your memorialists, such change of boundary.

Your memorialists have been incidentally apprised that the committee of the House of Representatives found their agreement, in a detailed report, accompanying the bill herein before alluded to, upon the principle of *expediency* rather than of *RIGHT*; and hence it is deemed expedient that Michigan should be deprived of a valuable tract of country on the south, including the mouth of an important tributary to the waters of Lake Erie, in exchange for a region of country on the north, remote, isolated, and comparatively unproductive; separated from us by an immense chain of lakes and rivers, and the inhabitants of which will never willingly consent to be attached to a people, and to a Government, with whom they have no common interest. This too is done to accommodate the State of Ohio, already extensive in its domains, rich in its resources, and which is studded with its ports, its harbors, its cities and its villages, along the almost entire border of one of the principal western lakes. Michigan, a new and infant community, now claiming her admission into the national family, is to be restricted in her limits, and crippled in her resources; her townships and her counties to be cut up and divided, to satisfy the exorbitant claims of a more powerful State. Is this just? is this right? is it even expedient? Your memorialists feel an ardent and an anxious desire that Michigan may be received into the Union without delay; but they are unwilling that Congress, after having ceded to Indiana, long since, a district of country extending ten miles north of the line prescribed by the ordinance, should go still farther, and cede to Ohio a district of country over which Michigan has exercised jurisdiction from the first establishment of her Government; and they are still more unwilling that any feature of their fundamental law should be changed by any power on earth short of the will of the people themselves who created it, constitutionally declared by a direct vote in their primary assemblies, or solemnly expressed in their conventional capacity convened especially for such purpose.

Your memorialists are aware that the convention which formed the constitution of Michigan, asserted, in a prominent article of the constitution, a claim to the whole of that district of country defined in the ordinance of 1787, and by the act of Congress of 1805, under the provisions of which alone they were commenced, and all their action was had, it was not competent for them to have done less.

Between Michigan and Indiana, however, no collision as to jurisdiction has arisen. The people of that State have exercised a possession, for many years, of a district of country extending ten miles north of the line prescribed by the ordinance; and it does not become the people of Michigan to disturb them in that possession, exercised as it is by virtue of an act of Congress, the operation of which may be abrogated by a similar authority, or by an amicable arrangement between the parties interested.

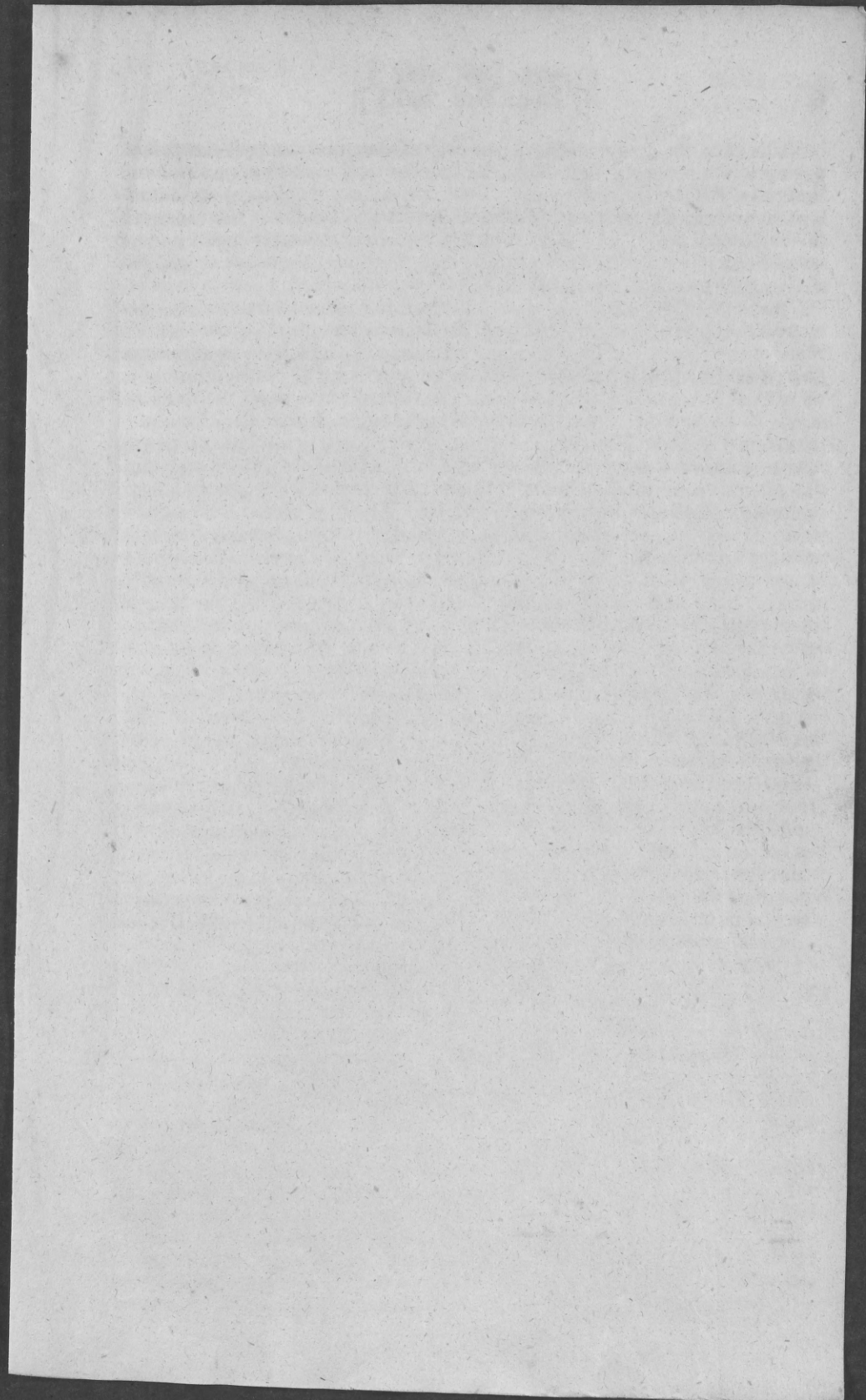
With Ohio the case is different; no law of Congress has yet been passed giving to the people of that State the exercise of jurisdiction north of the line prescribed by the ordinance. That is a subject for present consideration, as well by the people of Michigan, as those of Ohio and the Congress of the United States, who now, contrary to the views entertained by your memorialists, claim to be the exclusive and final umpire before whom the subject is proposed to be settled.

The State of Ohio has urged that there has existed, or does exist, a determination on the part of Michigan, to deprive the people of the former State of their ports and harbors along the shore of Lake Erie, as at present possessed; but most solemnly would your memorialists dissent from this view of the case. It is, nevertheless, true, that there is a strip of country south of the Maumee river, and extending many miles eastwardly along the margin of Lake Erie, which forms, *legally*, a part of Michigan, but so remote from and unconnected is it with the peninsula of Michigan, that the latter has not of late years exercised jurisdiction over it. Common convenience has assigned its local police to the State of Ohio; and were it to be ceded in a constitutional and legal manner to Ohio, Michigan would undergo no material inconvenience thereby; while the former State would be greatly accommodated by a joint exercise of the privileges of an outlet to Lake Erie, with an opportunity to make improvements and build up a commercial city on the Maumee. It does not become your memorialists to define the manner in which such a measure should be brought about, nor to pledge themselves that it would be acceded to if proposed by Congress to the people of Michigan; but it is reasonable to premise that, were such a proposition to be made by Congress, and a suitable equivalent offered therefor, the people of Michigan might, as a matter of conciliation, give to the subject a proper and perhaps a favorable consideration.

Your memorialists would allude to the fact that the bill now before Congress, makes no direct proffer to the people of Michigan of a donation of public lands, for the purposes of education and internal improvement, as has been usual on the admission of new States. They nevertheless look with confidence to the justice and liberality of Congress, in this as in all other respects relating to the interests of a new and frontier community, which is now seeking a recognition of its right to admission into the Union as an additional member of the great American family.

All which is respectfully submitted.

[Signed by 736 persons.]



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